

**AN ORDINANCE 2006-03-23-0403**

**AMENDING THE OFFICIAL ZONING MAP OF THE CITY  
OF SAN ANTONIO BY AMENDING CHAPTER 35, UNIFIED  
DEVELOPMENT CODE, SECTION 35-304, OF THE CITY  
CODE OF SAN ANTONIO, TEXAS BY CHANGING THE  
ZONING DISTRICT BOUNDARY OF CERTAIN PROPERTY.**

\* \* \* \* \*

**WHEREAS**, a public hearing was held regarding this amendment to the Official Zoning Map at which time parties in interest and citizens were given an opportunity to be heard; and

**WHEREAS**, the Zoning Commission has submitted a final report to the City Council regarding this amendment to the Official Zoning Map of the City of San Antonio; **NOW THEREFORE**,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** Chapter 35, Unified Development Code, Section 35-304, Official Zoning Map, of the City Code of San Antonio, Texas is amended by changing the zoning district boundary of Lot 13B, Lot 14B, Lot 15B, Lot TR-16, Lot TR-17 and Lot TR-18 out of NCB 14735 from PUD "RM-4" Planned Unit Development Residential Mixed District and "RM-4" Residential Mixed District to PUD "RM-4" (CD-Outdoor Art Gallery) Residential Mixed Planned Unit Development District with Conditional Use for an Outdoor Art Gallery on Lot 13B, Lot 14B and Lot 15B out of NCB 14735 and "RM-4" (CD-Outdoor Art Gallery) Residential Mixed District with Conditional Use for an Outdoor Art Gallery on Lot TR-16, Lot TR-17 and Lot TR-18 out of NCB 14735.

**SECTION 2.** The City Council finds as follows:

- A.** The conditional use will not be contrary to the public interest.
- B.** The conditional use will not substantially nor permanently injure the appropriate use of adjacent conforming property in the same district.
- C.** The conditional use will be in harmony with the spirit and purpose for conditional uses as set forth in Section 35-422, Conditional Zoning, of the Unified Development Code.
- D.** The conditional use will not substantially weaken the general purposes of the regulations as set forth in Section 35-422, Conditional Zoning, of the Unified Development Code.
- E.** The conditional use will not affect adversely the public health, safety and welfare.

**SECTION 3.** The City Council finds that the following conditions shall be met to insure compatibility with the surrounding properties:

**A.** All hours of operation and external activities for the Outdoor Art Gallery (OAG) shall be limited to Saturdays and Sundays for the period that includes the second weekend of March to the third weekend of June of each year ("Period of Operation"). The OAG may be open to the general public for a maximum of 6 weekends ("Weekend Show") during the Period of Operation. The OAG may be open for school tours by appointment Monday through Thursday ("School Tours") during the Period of Operation. Weekend Shows and School Tours shall not be conducted after 9:00 p.m. and before 9:00 a.m.

**B.** No parking is permitted within 15 feet of the Vance Jackson roadway.

**C.** The OAG is limited to total of two signs to identify its location, list its Weekend Show schedule, etc. Each sign shall have a maximum size of 8 square feet. Each Art Exhibit Item may have one identification sign with a maximum size of one square foot. Signs may only be displayed during the Period of Operation.

**D.** Art Exhibit Items must be set back ten feet back from front, side and rear property lines.

**E.** Sales of Art Exhibit Items and bottled water are permitted. Sale of all other items, including but not limited to, foods, drinks, clothing, souvenirs, etc., is prohibited.

**F.** Amplifiers and public address systems are prohibited. No live or recorded music is permitted except for live orchestral music during the Saturday of the first Weekend Show.

**G.** All litter visible from the Vance Jackson roadway shall be removed as of 4:00 p.m. of the Monday after each Weekend Show.

**H.** OAG activities visible from the Vance Jackson roadway shall be limited as follows:

1. Commercial, industrial vehicles or equipment (e.g., moving vans, flatbed trucks, backhoes, etc.) used to deliver, move or remove Art Exhibit Items may not be parked on the property over night.
2. Art Exhibit Items may remain in or on moving structures (e.g., packing crates, skids, etc.) for a maximum of 5 days during the Period of Operation.
3. Non-permanent structures (e.g., tents, tables, etc.) that are used by or for the OAG may only be present on the property during the Period of Operation.

**I.** Art Exhibit Items that include the display of specified anatomical areas in a state of nudity must be at least 40 feet from the front, side, and rear property lines of the property.

**J.** Temporary outdoor toilets visible from the Vance Jackson roadway are prohibited.

**SECTION 4.** If a court of competent jurisdiction enters a final judgment on the merits that is no longer subject to appeal and substantially limits or impairs the essential elements of sections one through three of this ordinance, then sections one through three are invalid and have no legal effect as of the date of entry of such judgment notwithstanding any other ordinance or provision of the City Code of San Antonio.

**SECTION 5.** All other provisions of Chapter 35 except those expressly amended by this ordinance shall remain in full force and effect including the penalties for violations as made and provided for in Section 35-491.


**SECTION 6.** The Director of Development Services shall change the zoning records and maps in accordance with this ordinance and the same shall be available and open to the public for inspection.

**SECTION 7.** This ordinance shall become effective on April 2, 2006.

**PASSED AND APPROVED** this 23rd day of March, 2006.

  
M A Y O R  
PHIL HARDBERGER

ATTEST:   
City Clerk

APPROVED AS TO FORM:   
City Attorney

# Agenda Voting Results

**Name:** Z-9.

**Date:** 03/23/06

**Time:** 02:20:28 PM

**Vote Type:** Multiple selection

**Description:** ZONING CASE #Z2006049 CD (District 8): An Ordinance amending the zoning district boundary from PUD "RM-4" Planned Unit Development Mixed Residential District and "RM-4" Mixed Residential District to PUD "RM-4" (CD-Outdoor Art Gallery) Residential Mixed Planned Unit Development District with a Conditional Use for an Outdoor Art Gallery on Lot 13B, Lot 14B and Lot 15B out of NCB 14735 and "RM-4" (CD-Outdoor Art Gallery) Mixed Residential District with a Conditional Use for an Outdoor Art Gallery on Lot TR-16, Lot TR-17 and Lot TR-18 out of NCB 14735, 11356 Vance Jackson Road as requested by Roy R. Barrera, Sr., Applicant, for Roy R. Barrera, Sr., Owner(s). Staff and Zoning Commission recommend Approval with conditions.

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1	Not present			
SHEILA D. MCNEIL	DISTRICT 2		x		
ROLAND GUTIERREZ	DISTRICT 3	Not present			
RICHARD PEREZ	DISTRICT 4	Not present			
PATTI RADLE	DISTRICT 5		x		
DELICIA HERRERA	DISTRICT 6		x		
ELENA K. GUAJARDO	DISTRICT 7		x		
ART A. HALL	DISTRICT 8		x		
KEVIN A. WOLFF	DISTRICT 9		x		
CHIP HAASS	DISTRICT_10		x		
MAYOR PHIL HARDBERGER	MAYOR		x		

# CASE NO: Z2006049 CD

## Staff and Zoning Commission Recommendation - City Council

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**Date:** March 23, 2006

**Zoning Commission Meeting Date:** February 21, 2006

**Council District:** 8

**Ferguson Map:** 549 A3

**Applicant:**

**Owner:**

Roy R. Barrera, Sr.

Roy R. Barrera, Sr.

**Zoning Request:**

From PUD "RM-4" Planned Unit Development Residential Mixed District and "RM-4" Residential Mixed District to PUD "RM-4" (CD- Outdoor Art Gallery) Residential Mixed Planned Unit Development District with Conditional Use for an Outdoor Art Gallery on Lot 13B, Lot 14B and Lot 15B out of NCB 14735 and "RM-4" (CD- Outdoor Art Gallery) Residential Mixed District with Conditional Use for an Outdoor Art Gallery on Lot TR-16, Lot TR-17 and Lot TR-18 out of NCB 14735

Lot 13B, Lot 14B, Lot 15B, Lot TR-16, Lot TR-17 and Lot TR-18 out of NCB 14735 (5.8630 acres)

**Property Location:**

11356 Vance Jackson Road

Northeast side of Vance Jackson Road between Wallstreet and Lomita

**Proposal:**

Outdoor Art Gallery (Sculptors Dominion)

**Neighborhood Association**

Vance Jackson Neighborhood Association and Mission Trace Home Owners Association (within 200 feet)

**Neighborhood Plan:**

None

### Traffic Impact Analysis

A traffic impact analysis is not required.

### Staff Recommendation:

#### Approval

The subject property is located north of Vance Jackson Road, a major thoroughfare. The subject property is adjacent to "MF-33" Multi Family District to the northwest, "RM-4" Residential Mixed District to the southeast and PUD "R-4" Planned Unit Development Residential District to the northeast. The Conditional Use will permit an outdoor art gallery, exhibiting to the public for 6 weekends in April and May, annually, and open to school children for tour and hands on learning, by appointment during the 6 week period of operation. The outdoor art gallery will house large scale sculpture by local, state, national and international artists. The subject property is enhanced by the spacious, naturally landscaped garden setting. The Conditional Use will allow the Outdoor Art Gallery while preserving the neighborhood character.

The Sculptors Dominion will be operated by Gilbert E. Barrera, Executive Director. The Mission of Sculptors Dominion is to bring professional large scale sculpture to the City of San Antonio for the artistic, educational and cultural enjoyment of the general public, collectors and aficionados and to provide an avenue of commerce between the Sculptor and any prospective client.

The following conditions in addition to those in subsection (e)(2) above shall apply to the operation of nonresidential conditional uses permitted within any residential district, unless otherwise approved by the city council:

A. There shall be no exterior display or sign with the exception that a nameplate, not exceeding three (3) square feet in area, may be permitted when attached to the front of the main structure.

B. No construction features shall be permitted which would place the structure out of character with the

# CASE NO: Z2006049 CD

## Staff and Zoning Commission Recommendation - City Council

surrounding neighborhood.

C. Business or office hours of operations shall not be permitted before 7:00 a.m. or after 6:00 p.m.

Staff recommends approval with the following conditions:

1. Open only in April and May.
2. Hours of operation 9 A.M. to 9 P.M. on Saturdays and Sundays.
3. School tours by appointment on school days Monday thru Thursday.
4. No live or recorded music.
5. No voice amplification.
6. Two signs displayed on each side of the entrance to the Outdoor Art Gallery.
7. Beer may not be sold.
8. Large commercial vehicles used to deliver or remove exhibits may not be parked on the property over night if visible from Vance Jackson Road

### Zoning Commission Recommendation:

- Approval with conditions:
1. Open only in April and May.
  2. Hours of operation 9 A.M. to 9 P.M. on Saturdays and Sundays.
  3. School tours by appointment on school days Monday thru Thursday.
  4. No live or recorded music.
  5. No voice amplification.
  6. Two signs displayed on each side of the entrance to the Outdoor Art Gallery.
  7. Beer may not be sold.
  8. Large commercial vehicles used to deliver or remove exhibits may not be parked on the property over night if visible from Vance Jackson Road

### VOTE

FOR 9

AGAINST 0

CASE MANAGER : Pedro Vega 207-7980

ABSTAIN 0

RECUSAL 0

**Z2006049 CD**

**ZONING CASE NO. Z2006049 CD** – February 21, 2006

Applicant: Roy R. Barrera, Sr.

Zoning Request: PUD "RM-4" Planned Unit Development Residential Mixed District and "RM-4" Residential Mixed District to PUD "RM-4" (CD- Outdoor Art Gallery) Residential Mixed Planned Unit Development District with Conditional Use for an Outdoor Art Gallery on Lot 13B, Lot 14B and Lot 15B out of NCB 14735 and "RM-4" (CD- Outdoor Art Gallery) Residential Mixed District with Conditional Use for an Outdoor Art Gallery on Lot TR-16, Lot TR-17 and Lot TR-18 out of NCB 14735.

Roy R. Barrera, Sr., 11354 Vance Jackson, owner, stated he is requesting this change in zoning to operate an outdoor art gallery. He stated that his son is a sculptor and displays his art for the general public, school tours and other interested parties. The gallery would only be open 2 months out of the year, April and May. He stated his hours of operation would be from 9 am to 9 pm. He stated they would also provide school tours, which would be by appointment only on school days (Monday thru Thursday).

Carmen Ramirez, 424 E. Nueva, stated they have visited with some of the neighbors who support their request. She stated this art gallery would only be in operation for 2 month of the year so she does not feel this operation would pose a threat to the community.

Gilbert Barrera, 11356 Vance Jackson, stated he is the sculptor. He prepares such sculptors for educational and cultural enjoyment of the general public.

**FAVOR**

Laura Richter, 11303 Vance Jackson, stated she is in support of this request. She feels this would be good for the community.

**OPPOSE**

Woody Halsey, 3000 Charter Rock, stated he would like to express concerns with the following: increase in traffic in the neighborhood, parking of school buses, he does not approve of large school buses parking in the neighborhood for the duration of the tours and the noise pollution that would come from music, if any, or from the PA system. He feels these issues should be addressed before action is taken on this case.

**Z2006049 CD**

**REBUTTAL**

Roy R. Barrera, Sr., 11354 Vance Jackson, owner, stated regarding Mr. Halsey's concerns he feels they have been addressed. He stated they would not have any music or PA Systems on the premises. As for the parking issue, they would only give school tours by appointment only therefore they would possibly be no more than two buses.

Staff stated there were 89 notices mailed out to the surrounding property owners, 0 returned in opposition and 9 returned in favor and no response from Mission Trace Home Owners Association and Vance Jackson Neighborhood Association is in opposition.

Everyone present, for and against having been heard and the results of the written notices having been received, the Chairman declared the public hearing closed.

**COMMISSION ACTION**

The motion was made by Commissioner Stribling and seconded by Commissioner Martinez to recommend approval.

1. Property is located on Lot 13B, Lot 14B, Lot 15B, Tract 16 thru 18 out of NCB 14735 (5.8630 acres) at 11356 Vance Jackson Road.
2. There were 89 notices mailed, 0 returned in opposition and 9 in favor.
3. Staff recommends approval.

**AYES:** Avila, Robbins, Rodriguez, Gadberry, Sherrill, McAden, Martinez,  
Stribling, Gray

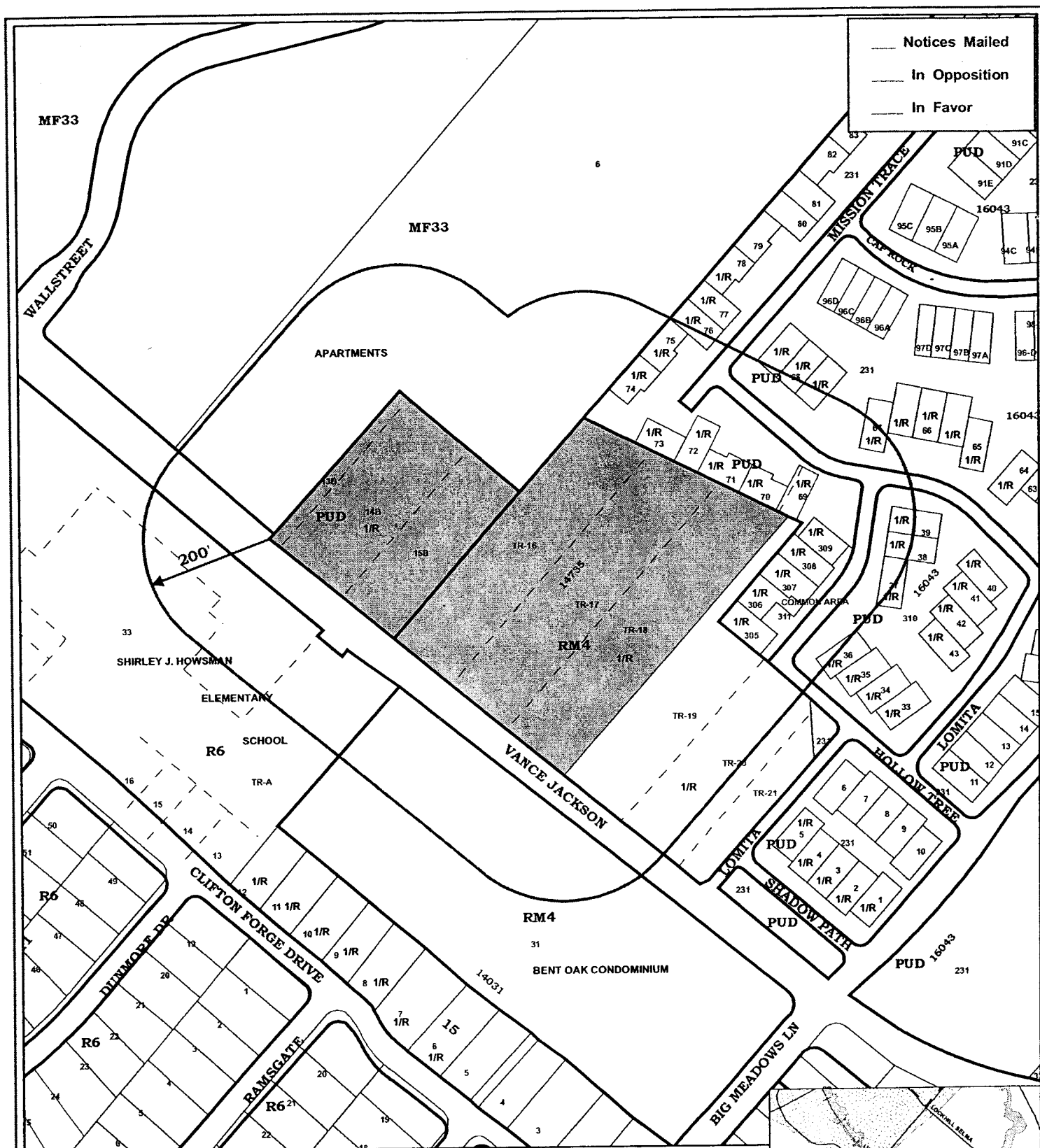
**NAYS:** None

**THE MOTION CARRIED**

**RESULTS OF NOTICE FOR COUNCIL HEARING**

To be provided at Council hearing.





# ZONING CASE: Z2006-049 CD

City Council District No. 8

Requested Zoning Change

From "PUD RM4" and "RM4" To "PUD RM4"CD and "RM4"CD

Date: March 23, 2006

Scale: 1" = 200'

Subject Property

200' Notification



C:\Feb\_7\_2006